



## Senate

General Assembly

February Session, 2004

**File No. 281**

Senate Bill No. 343

*Senate, March 29, 2004*

The Committee on Education reported through SEN. GAFFEY of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

### **AN ACT CONCERNING SCHOOL CONSTRUCTION PROGRAM REVISIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-290a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2004*):

3 The Commissioner of Education [shall] may provide advisory  
4 services to local officials and agencies on long range school plant  
5 planning and educational specifications and review the sketches and  
6 preliminary plans and outline specifications for any school building  
7 project and the educational program which it is designed to house and  
8 advise boards of education and school building committees regarding  
9 the suitability of such plans on the basis of educational effectiveness,  
10 sound construction and reasonable economy of cost, including energy  
11 economy and efficiency.

12 Sec. 2. Section 10-290b of the general statutes is repealed and the

13 following is substituted in lieu thereof (*Effective July 1, 2004*):

14 The Commissioner of Education [shall] may arrange for the  
15 collection, publication and distribution of information on procedures  
16 for school building committees, building methods and materials  
17 suitable for school construction and on relevant educational methods,  
18 requirements and materials, and [shall] may furnish such information  
19 to towns or regional school districts planning school construction. Said  
20 commissioner [, through the school construction economy service,  
21 shall] may from time to time inform local officials and agencies  
22 involved in school construction of the services available under sections  
23 10-290a to 10-290d, inclusive, as amended by this act.

24 Sec. 3. Subsection (b) of section 10-292 of the general statutes, as  
25 amended by section 31 of public act 03-76, is repealed and the  
26 following is substituted in lieu thereof (*Effective July 1, 2004*):

27 (b) Notwithstanding the provisions of subsection (a) of this section,  
28 a town or regional school district may submit final plans and  
29 specifications for oil tank replacement, roof replacement, asbestos  
30 abatement, code violation, energy conservation, network wiring,  
31 certified school indoor air quality emergency projects or projects for  
32 which state assistance is not sought, to the local officials having  
33 jurisdiction over such matters for review and written approval. The  
34 total costs for an asbestos abatement, code violation, energy  
35 conservation, [or] network wiring, or certified school indoor air quality  
36 emergency project eligible for review and approval under this  
37 subsection shall not exceed one million dollars. Except for projects for  
38 which state assistance is not sought and projects for which the town or  
39 regional school district is using a state contract pursuant to subsection  
40 (d) of this section, no school building project described in this  
41 subsection shall go out for bidding purposes prior to the receipt and  
42 acceptance by the Department of Education of such written approval.

43 Sec. 4. (NEW) (*Effective July 1, 2004*) For any school building project  
44 authorized by the General Assembly on or after July 1, 2005, or any  
45 other alteration of a classroom or other space where students learn,

46 such classrooms and such spaces shall be constructed or altered in  
47 accordance with American Nations Standard: Acoustical Performance  
48 Criteria, Design Requirements and Guidelines for Schools, ANSI  
49 S12.60-2002. For purposes of this section, "alteration" means a change  
50 to any feature of a classroom that has a measurable effect on (1)  
51 background noise level, as defined in Section 3.2.2 of ANSI S12.60-  
52 2002, or (2) reverberation time, as defined in Section 3.2.3.1 of ANSI  
53 S12.60-2002. The provisions of this section shall not apply to  
54 classrooms or other spaces where students learn where adequate  
55 acoustical modifications cannot be made without compromising health  
56 and safety, or the purpose or function of a specific classroom or other  
57 space where students learn.

58 Sec. 5. Section 10-283a of the general statutes is repealed and the  
59 following is substituted in lieu thereof (*Effective from passage*):

60 A committee to review the listing of eligible school building projects  
61 submitted pursuant to section 10-283, as amended, shall be appointed  
62 [annually] biennially on or before July first consisting of eight persons  
63 who are members of the General Assembly at the time of their  
64 appointment as follows: Two persons each appointed by the speaker of  
65 the House of Representatives, the minority leader of the House of  
66 Representatives, the president pro tempore of the Senate and the  
67 minority leader of the Senate. The listing of eligible projects by  
68 category shall be submitted to said committee prior to December  
69 fifteenth annually to determine if said listing is in compliance with the  
70 categories described in subsection (a) of section 10-283, as amended,  
71 and existing standards established by the State Board of Education  
72 pursuant to said regulations. The committee may modify the listing if  
73 it finds that the Commissioner of Education acted in an arbitrary or  
74 unreasonable manner in establishing the listing. Such modified listing  
75 shall be in compliance with said standards and categories. Prior to  
76 February first annually, the committee shall submit the approved or  
77 modified listing of projects to the Governor and the General Assembly.

78 Sec. 6. Subsection (a) of section 10-287 of the general statutes is

79 repealed and the following is substituted in lieu thereof (*Effective July*  
80 *1, 2004*):

81 (a) A grant for a school building project under this chapter [to meet  
82 project costs not eligible for state financial assistance under section 10-  
83 287a] shall be paid in installments, the number and time of payment of  
84 which shall correspond to the number and time of principal  
85 installment payments on municipal bonds, including principal  
86 payments to retire temporary notes renewed for the third and  
87 subsequent years pursuant to section 7-378a or 7-378e, issued for the  
88 purpose of financing such costs and shall be equal to the state's share  
89 of project costs per principal installment on municipal bonds or notes,  
90 except in cases where the project has been fully paid for, in which case  
91 the number of installments shall be five or, in the case of a regional  
92 vocational agriculture center or a cooperative regional special  
93 educational facility, shall be one; provided final payment shall not be  
94 made prior to an audit conducted by the State Board of Education for  
95 each project for which a final calculation was not made prior to July 31,  
96 1983. Grants under twenty-five thousand dollars shall be paid in one  
97 lump sum. The Commissioner of Education shall certify to the State  
98 Comptroller, upon completion of the issuance of bonds or such  
99 renewal of temporary notes to finance each school building project, the  
100 dates and amounts of grant payments to be made pursuant to this  
101 chapter and the State Comptroller shall draw an order on the State  
102 Treasurer upon such certification to pay the amounts so certified when  
103 due. All site acquisition and project cost grant payments shall be made  
104 at least ten days prior to the principal payment on bonds or temporary  
105 notes related thereto or short-term financing issued to finance such site  
106 acquisition or project. Annual grant installments paid pursuant to this  
107 section on principal installment payments to retire temporary notes  
108 renewed pursuant to section 7-378a or 7-378e shall be based each year  
109 on the amount required to be retired pursuant to said sections, as  
110 adjusted for any ineligible project costs, and shall be paid only if at the  
111 time such temporary notes are renewed the rate of interest applicable  
112 to such notes is less than the rate of interest that would be applicable  
113 with respect to twenty-year bonds if issued at the time of such

114 renewal. The determination related to such rates of interest pursuant to  
115 this subsection may be reviewed and shall be subject to approval by  
116 the Commissioner of Education prior to renewal of such notes. In the  
117 event that a school building project is not completed at the time bonds  
118 or temporary notes related thereto are issued to finance the project, the  
119 certification of the grant payments made pursuant to this section by  
120 the Commissioner of Education may be based on estimates, provided  
121 upon completion of such project and notification of final acceptance to  
122 the state, the Commissioner of Education shall adjust and recertify the  
123 dates and amounts of subsequent grant payments based on the state's  
124 share of final eligible costs.

125 Sec. 7. Section 10-287c of the general statutes is repealed and the  
126 following is substituted in lieu thereof (*Effective July 1, 2004*):

127 The State Board of Education is authorized to prescribe such rules  
128 and regulations as may be necessary to implement the provisions of  
129 this chapter, provided any rules or regulations to implement the  
130 provisions of sections 10-283, as amended, 10-287, as amended by this  
131 act, [10-287a,] and 10-292d [and subsection (d) of section 10-292m] shall  
132 be prescribed in consultation with the Secretary of the Office of Policy  
133 and Management. [Whenever the Commissioner of Education has  
134 made a commitment for a grant prior to the completion of a project as  
135 provided in section 10-287a, and said commissioner has made  
136 advances thereon as provided in said section, any such rules or  
137 regulations prescribed in accordance with this section which were in  
138 effect at the time of such commitment and advances shall be applicable  
139 to any additional commitment and subsequent advances with respect  
140 to said project.]

141 Sec. 8. Section 10-287d of the general statutes, as amended by  
142 section 20 of public act 03-2 of the September 8 special session, is  
143 repealed and the following is substituted in lieu thereof (*Effective July*  
144 *1, 2004*):

145 For the purposes of funding (1) grants to projects that have received  
146 approval of the State Board of Education pursuant to sections 10-287,

147 as amended by this act, [and 10-287a,] subsection (a) of section 10-65  
148 and section 10-76e, (2) grants to assist school building projects to  
149 remedy safety and health violations and damage from fire and  
150 catastrophe, and (3) regional vocational-technical school projects  
151 pursuant to section 10-283b, the State Treasurer is authorized and  
152 directed, subject to and in accordance with the provisions of section 3-  
153 20, as amended, to issue bonds of the state from time to time in one or  
154 more series in an aggregate amount not exceeding three billion five  
155 hundred forty-six million three hundred sixty thousand dollars,  
156 provided four hundred fifty-eight million dollars of said authorization  
157 shall be effective July 1, 2003. Bonds of each series shall bear such date  
158 or dates and mature at such time or times not exceeding thirty years  
159 from their respective dates and be subject to such redemption  
160 privileges, with or without premium, as may be fixed by the State  
161 Bond Commission. They shall be sold at not less than par and accrued  
162 interest and the full faith and credit of the state is pledged for the  
163 payment of the interest thereon and the principal thereof as the same  
164 shall become due, and accordingly and as part of the contract of the  
165 state with the holders of said bonds, appropriation of all amounts  
166 necessary for punctual payment of such principal and interest is  
167 hereby made, and the State Treasurer shall pay such principal and  
168 interest as the same become due. The State Treasurer is authorized to  
169 invest temporarily in direct obligations of the United States, United  
170 States agency obligations, certificates of deposit, commercial paper or  
171 bank acceptances such portion of the proceeds of such bonds or of any  
172 notes issued in anticipation thereof as may be deemed available for  
173 such purpose.

174 Sec. 9. Section 10-292m of the general statutes is repealed and the  
175 following is substituted in lieu thereof (*Effective July 1, 2004*):

176 [(a)] Notwithstanding any other provision of the general statutes, in  
177 the case of any school building project for which the total cost is less  
178 than one million dollars, the state shall not require permanent local  
179 financing prior to the payment of an interest subsidy grant under  
180 sections 10-292c to 10-292n, inclusive, as amended. In any such case,

181 the school district may pay off its debt on any such project over a  
 182 period not to exceed four years if the school district promptly applies  
 183 all interest subsidy grant payments toward interest costs on such debt  
 184 as the same becomes due and payable and provides for the payment of  
 185 such debt in equal annual installments commencing no later than one  
 186 year from the date of issue. The interest subsidy grant percentage on  
 187 such debt of the district shall be the same as if permanent financing  
 188 had been used.

189 [(b) Interest subsidy grants shall be available for bonds issued after  
 190 July 1, 1971, for the local share of the cost of a school building project  
 191 eligible for assistance under section 10-287a. The State Comptroller is  
 192 authorized and directed to draw an order on the State Treasurer upon  
 193 certification of the Commissioner of Education to pay any regional  
 194 school district, town, consolidated town and city, and consolidated  
 195 town and borough an interest subsidy grant on such bonds issued after  
 196 July 1, 1971, for the local share of the cost of such school building  
 197 project but not in excess of the amount certified as such share by the  
 198 Commissioner of Education for such project. The local share of the cost  
 199 of such project shall be the total cost of such project, as determined by  
 200 the Commissioner of Education to be eligible for assistance under  
 201 section 10-287a, less the total grant payments made by the state. Such  
 202 interest subsidy shall be the difference between four per cent per  
 203 annum and the lower of six per cent per annum or the net interest cost  
 204 on such bonds. Such payments may be made on a reimbursement basis  
 205 in the event the bonds were issued prior to the date of certification  
 206 from the commissioner to the State Comptroller in accordance with  
 207 sections 10-292c to 10-292n, inclusive.]

208 Sec. 10. (*Effective July 1, 2004*) Sections 3-76t, 10-287a, 10-287e and 10-  
 209 287f of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>July 1, 2004</i>

Sec. 4	<i>July 1, 2004</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>July 1, 2004</i>
Sec. 7	<i>July 1, 2004</i>
Sec. 8	<i>July 1, 2004</i>
Sec. 9	<i>July 1, 2004</i>
Sec. 10	<i>July 1, 2004</i>

**ED**      *Joint Favorable*



The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### ***OFA Fiscal Note***

#### ***State Impact:***

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$	Out Years
Education, Dept.	Bond Funds - Cost	None	None	Significant

#### ***Municipal Impact:***

Municipalities	Effect	FY 05 \$	FY 06 \$	Out Years
Local and Regional School Districts	STATE MANDATE - Cost	None	None	Significant

### ***Explanation***

This bill results in a future significant cost to the state and to local and regional school districts. These costs are associated with the requirement that school building projects authorized by the General Assembly after July 1, 2005 comply with national school acoustical performance standards. Current estimates indicate that compliance with these standards increases project costs by \$1 per square foot. New schools currently can be 350,000 square feet and sometimes larger. A school of this size would thus have an increase in cost of \$350,000. This type of increased cost would be shared by the state and local and regional school districts.

Sections 1 and 2, which make services provided by the Department of Education discretionary rather than required will not alter agency practice and thus will not reduce costs to the state.

Section 3, which allows for local approval rather than state approval for certain air quality emergency projects will expedite projects but not result in any fiscal impact.

Section 5 simply changes the timing of appointments to the Legislative School Facilities Committee and has no fiscal impact.

Sections 6 through 10 are technical and have no fiscal impact.

**OLR Bill Analysis**

SB 343

**AN ACT CONCERNING SCHOOL CONSTRUCTION PROGRAM REVISIONS****SUMMARY:**

This bill makes various changes in laws relating to school construction. It:

1. establishes acoustical standards for new school construction projects;
2. allows local school districts to obtain local rather than state approval of final plans and specifications for certified school indoor air quality emergency projects costing \$1 million or less;
3. allows, rather than requires, the education commissioner to provide school construction advisory services and information to local school districts;
4. changes the timetable for legislative leaders to appoint members of the legislative committee that reviews the annual school construction project priority list from annual to biennial; and
5. eliminates obsolete school construction financing provisions.

EFFECTIVE DATE: July 1, 2004, except for the change in the school facilities review committee appointments, which takes effect on passage.

**ACOUSTICAL STANDARDS FOR SCHOOL CONSTRUCTION (§ 4)**

The bill requires that any school building project the General Assembly authorizes after July 1, 2005, or any alteration of a classroom or other student learning space, comply with national school acoustical performance standards the bill specifies. The requirement applies to any change in a classroom feature that has a measurable effect on background noise levels or reverberation time, as defined in the standards, unless adequate acoustical modifications are impossible

without compromising either health and safety or the purpose or function of the classroom or other learning space.

### **APPROVAL FOR SCHOOL INDOOR AIR QUALITY EMERGENCY PROJECTS (§ 3)**

The bill adds certified school indoor air quality emergency projects costing \$1 million or less to the list of projects for which a local school district can submit final plans and specifications to local officials with jurisdiction instead of the education commissioner. The other types of projects for which the local approval option applies are oil tank and roof replacements, asbestos abatement, code violations, energy conservation, network wiring, and projects for which no state aid is sought. By law, a certified school indoor air quality emergency is a building condition that the Department of Public Health determines presents a substantial and imminent adverse health risk that requires remediation costing more than \$100,000.

### **SCHOOL CONSTRUCTION ADVISORY SERVICES (§§ 1 & 2)**

The bill makes discretionary the following services the education commissioner currently must provide:

1. advising local districts on long-range school facility planning and educational specifications;
2. reviewing preliminary project plans and specifications and the educational programs for which they are designed;
3. advising districts on the suitability of a plan based on its educational and cost-effectiveness, soundness of construction, and energy efficiency and economy;
4. arranging to collect, publish, and distribute information on school building committee procedures, building methods and materials suited to school construction projects, and relevant educational methods, requirements, and materials and giving them to towns and regional school districts planning school construction; and
5. informing local officials of the services and information available.

The bill also eliminates an obsolete requirement that the commissioner

inform local officials of available advisory services through a separate school construction economy service.

### **LEGISLATIVE SCHOOL FACILITIES COMMITTEE APPOINTMENTS (§ 5)**

The bill changes the timing of legislative appointments to the committee that reviews the authorization list of eligible school construction projects the education commissioner must submit annually to the General Assembly by December 15. Under current law, the legislative leaders must each appoint two legislators to the committee every year by July 1. The bill requires the leaders to make these appointments every two years by July 1.

### **OSOLETE LANGUAGE (§§ 6-10)**

The bill eliminates obsolete language concerning:

1. transfers of pre-1997 state interest subsidy grants on refunded local school construction bonds (§ 3-76t),
2. advance lump sum payments and related interest subsidies for certain projects approved before October 1975 (§ 10-287a and §10-292m (b)),
3. a special state School Building Construction Fund that no longer exists (§ 10-287e), and
4. renewal of town and regional district temporary bond anticipation notes for certain projects started before 1971 that have since expired (§ 10-287f).

### **COMMITTEE ACTION**

Education Committee

Joint Favorable Report

Yea 21      Nay 5